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JUL 2 8 1994

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SUSAN H. ROSENAU

July 28, 1994

OUR FILE NO. 0850-101-63

Mr. William F. Caton Acting Secretary Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554

Re: Amendment of Section 73.202(b)

Atlantic, Iowa and Glenwood, Iowa

Dear Mr. Caton:

Transmitted herewith on behalf of Valley Broadcasting, Inc. are an original and four copies of a Petition for Rulemaking.

No filing fee need accompany this Petition. If there are any questions concerning this matter, please contact this office directly.

Sincerely yours,

Susan H. Rosenau

SHR/ned

Enclosures: (5)

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JUL 2 8 1994

Before The

Federal Communications Commission FEDERAL GUMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Washington, D.C. 20554

In The Matter Of)	
Amendment of Section 73.202(b))	MM Docket No. 94
Table of Allotments,)	RM-
FM Broadcast Stations)	
Atlantic, Iowa and Glenwood, Iowa)	

TO: The Chief, Allocations Branch Policy and Rules Division

Mass Media Bureau

PETITION FOR RULEMAKING

Valley Broadcasting, Inc. ("Valley"), through counsel, hereby requests the Commission to institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, by deleting Channel 279C from Atlantic, Iowa, and allotting Channel 279°C to Glenwood, Iowa, as that community's first local aural service.

I. ARGUMENT

- 1. Valley is the licensee of KXKT(FM), currently licensed to Atlantic, Iowa. Valley seeks to change KXKT's community of license from Atlantic, Iowa, to Glenwood, Iowa, because Valley has determined that Glenwood has an overwhlming need for the provision of a first aural service.
- 2. Glenwood, Iowa is an incorporated city of 4,571 persons, and the county seat of Mills County, Iowa. Glenwood has its own municipal government, its own police department, a county sheriff, and a

30 member volunteer fire department, which also serves neighboring areas. Glenwood also has its own post office and zip code (51534), and is separately listed in the 1990 U.S. Census. According to the 1990 census, Glenwood's population has increased about 3% in the last twenty years.

- 3. Glenwood offers its residents a rich selection of municipal services, businesses and cultural resources. Children in Glenwood attend two public elementary schools, which in 1989-1990 had 833 students and 49 teachers; a middle school with 400 students and 26 teachers; and a high school with 550 students and 33 teachers. Glenwood also has two shopping plazas, a business district, two banks, and two Savings and Loan associations. The Davies Amphitheater, reputed to be the best outdoor theater in Iowa, is located in Glenwood.
- 4. The residents of Glenwood are cared for by ten doctors and dentists and the county EMT rescue team, which is based in Glenwood. In their leisure time, Glenwood residents visit the Glenwood lake and park area which includes a municipal lake, a park, a 5 acre sports complex, and the Mills County Historical Museum. Glenwood also has a golf course. What Glenwood lacks, however, is its own radio station.
- 5. Valley has determined that Channel 279C can be allocated to the city of Glenwood as its first local aural service. An engineering study of the proposed allocation, demonstrating compliance of the proposal with the technical standards for allocating a new channel, is included with this petition as Exhibit 1. The proposed Channel 279C allotment can be awarded to Glenwood in full compliance with the FM spacing rules by imposing a 24.56 km North, site restriction from the

Glenwood reference coordinates as listed in the *National Atlas of the United States of America*. Glenwood is listed as 41° 02′ 36″ N; 95° 44′ 42″ W. The reference coordinates provided in this petition are 41° 15′ 49″ N; 95° 46′ 21″ W. No other full service broadcasters are affected by this proposal and operation from these coordinates would provide city grade service levels as set forth in Section 73.315 of the Rules.

- 6. If the Commission amends the FM Table of Allotments as requested herein, Valley will promptly file an application for modification of its license, will promptly construct the modified facilities, will place those facilities into operation, and will seek a license covering the Glenwood facility.
- 7. The proposal set forth in this Petition is consistent with the procedures authorized in Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), as modified by Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094 (1990). Allotting Channel 279C to Glenwood would permit Glenwood to receive its first local aural channel, thereby serving the highest of the Commission's existing allocation priorities. "[T]here are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local service is the highest of our allotment priorities which remains in any significant degree unsatisfied." 5 FCC Rcd at 7097 (¶ 16). Nor will deletion of Channel 279C from Atlantic leave Atlantic without a local aural service,

because KJAN(AM) remains licensed to Atlantic.¹ Further, as explained in Exhibit 1, at least three frequencies could be allocated to Atlantic as Class A facilities, and on proper application, Channel 239 could be allocated to Atlantic as a Class C3 facility.

8. In sum, Atlantic has no scarcity of available spectrum, and reallocation of Channel 278C from Atlantic to Glenwood would result in a net service benefit to both communities, and will best serve the Commission's allocation priorities. Favorable action on the Valley proposal would thus be in the public interest.

II. CONCLUSION

For the reasons stated above, the public interest will be served by the allotment of Channel 279C to Glenwood, Iowa as its first local aural service. Accordingly, Valley respectfully requests the Commission institute a rulemaking proceeding that would amend the FM Table of Allotments as follows:

- 4 -

 $^{^1}$ As stated by the Commission: "Because AM and FM stations are considered to be joint components of a single aural medium, however, in a proceeding to change the community of license of an FM station, we will examine the availability of FM and AM services. Consistent with Commission precedent, we will consider both daytime and full-time AM stations as local aural transmission services." 5 FCC Rcd at 7096 (\P 20).

City	Present <u>Allotment</u>	Proposed <u>Allotment</u>
Atlantic, Iowa	279C	
Glenwood, Iowa		279C

Respectfully submitted,

VALLEY BROADCASTING, INC.

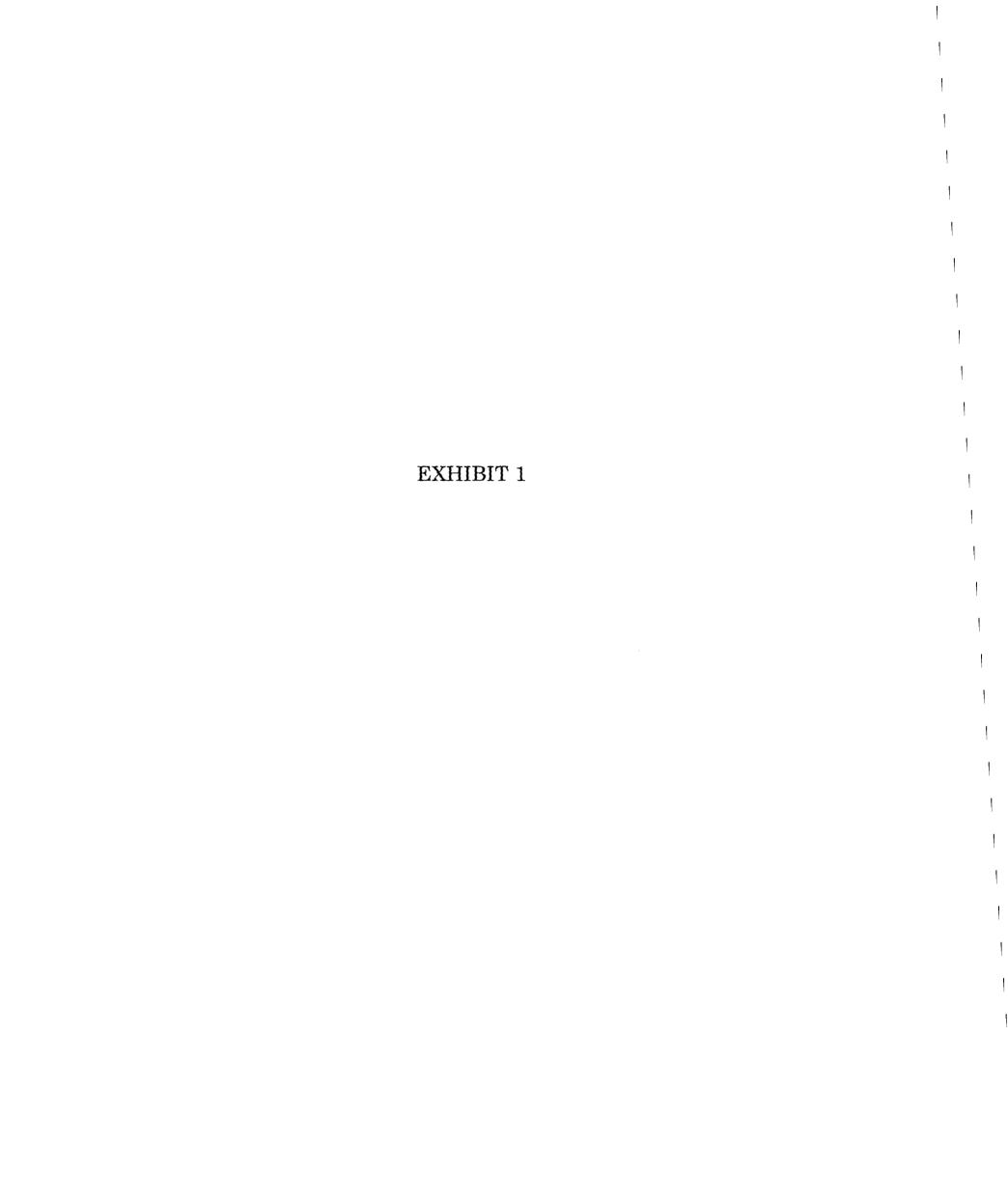
John M. Pelkey
Susan H. Rosenau

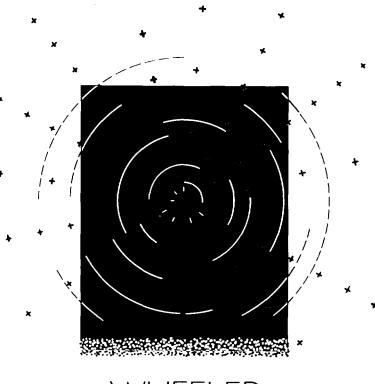
Its Attorneys

HALEY, BADER & POTTS

Suite 900 4350 North Fairfax Drive Arlington, VA 22203-1633 703/841-0606

July 28, 1994





WHEELER BROADCAST CONSULTING

Valley Broadcasting, Inc

Technical Exhibit

In Support of:

A Proposed Rule Making Requesting A Change of City of License

July - 1994



WHEELER BROADCAST CONSULTING

Engineering Statement

This consultant has been retained by Valley Broadcasting, Inc., licensee of KXKT in Atlantic, Iowa, for the purpose of preparing the necessary technical portion of a Proposed Rule Making seeking an amendment to 47 CFR 73.202(b), the FM Table of Allotments, by deleting Channel 279C from Atlantic, Iowa and adding Channel 279C to Glenwood, Iowa as its first local aural service.

The coordinates of Glenwood, Iowa are listed in the <u>National Atlas of</u> the <u>United States of America</u> as:

41° 02' 36" N. Latitude 95° 44' 42" W. Longitude

A study of the Commission's May 27th (incorrectly dated June 27), 1994 database indicates that Channel 279C can be allocated to Glenwood, mutually exclusive with the license of KXKT, with the imposition of a 24.56 km, North, site restriction in full compliance with the minimum distance separation requirements of 47 CFR 73.207 and in full compliance with the principal community city grade signal requirements of 47 CFR 73.315. The study of the Commission's May 27, 1994 database, conducted from suitable reference coordinates, is included in this report as Exhibit 1. Contours were predicted from the reference coordinates using minimum class C facilities and the entire community of Glenwood, Iowa was illuminated with a signal in excess of the 70 dbu prescribed by the Rules. A copy of a map detailing the predicted 70 dbu contour is included in this report as Exhibit 2. And specific distances to the 70 dbu contour are detailed in Exhibit 3.

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The reference coordinates used in determining contours are the nearest point to Glenwood which meets full spacing requirements and are:

41° 15′ 49" N. Latitude 95° 46′ 21" W. Longitude

The proposed re-allocation does not leave the community of Atlantic, Iowa without a local aural service as KJAN AM is licensed to Atlantic. In addition to the remaining service, this consultant has identified 3 frequencies (channel 251, channel 293 and channel 299) which, with the imposition of site restrictions, could be allocated to Atlantic as Class A facilities and 2 frequencies (channel 239 and channel 275) which could be allocated, also as Class A facilities, at the reference coordinates for the community. Channel 239 could also be allocated as a Class C3 facility. Studies of the Commission's May 27, 1994 database identifying the channels is included with this report as Exhibits 4 - 8. Although Valley Broadcasting is not proposing any of these allocations, nor would they apply for them should they be allocated, they are included so as to demonstrate that there is not a scarcity of spectrum available to the community of Atlantic, lowa.

Glenwood, Iowa

Glenwood, lowa is the county seat of Mills County and has a population of 4,571 persons according to the 1990 US Census. Glenwood is a growing community which has seen an increase in population of over 3% since 1970, this while the state of lowa has seen a decrease in population. Glenwood is incorporated and has a Mayor / City Council form of local government. Glenwood maintains a police department with a staff of 8 as well as a county Sheriff which is based in Glenwood. A 30 member volunteer fire department serves Glenwood and its surrounding areas Educational services are provided by 2 public elementary schools with a total enrollment of 833 students and 49 teachers (1989 / 1990), a middle school with 400 students and 26 teachers (1989 / 1990), as well as a high school with an enrollment of 550 students and a staff of 33 teachers (1989 / 1990).

Glenwood has numerous commercial services, local development organizations, and cultural assets. Two major shopping areas, Clock Tower Square and Glenwood Plaza are the core shopping areas while South Locust Street, which connects the two, is a rapidly developing business area according to the Glenwood Area Chamber of Commerce, the community's local economic development organization. Two banks are located in Glenwood with total assets of \$76,714,000 and two Savings and Loans with assets exceeding \$1.3 Billion. The community has its own Post Office and its own zip code (51534).

Glenwood has a rich culture. The spiritual needs of Glenwood are met by the 20 churches in the community. Medical services are provided by the 10 doctors and dentists in the community and the city is home to the county EMT rescue team which operates full-time with trained paramedics. The Glenwood Lake and Park area is home to the municipal lake, a municipal park, and a 5 acre sports complex with tennis courts, ball diamonds, and soccer fields. The lake and park area is also home the Mills County Historical Museum which contains walk through exhibitions of a country school house, an old machinery hall, a century horse barn, an American Indian artifact display and an actual Burlington Northern Caboose. Adjacent to the Museum is the Davies Amphitheater, a large and modern outdoor amphitheater which is reputed to be the finest and best equipped such theater in the entire state of Iowa. Adjacent to the Glenwood Lake and Park area is the Glenwood Golf Course.

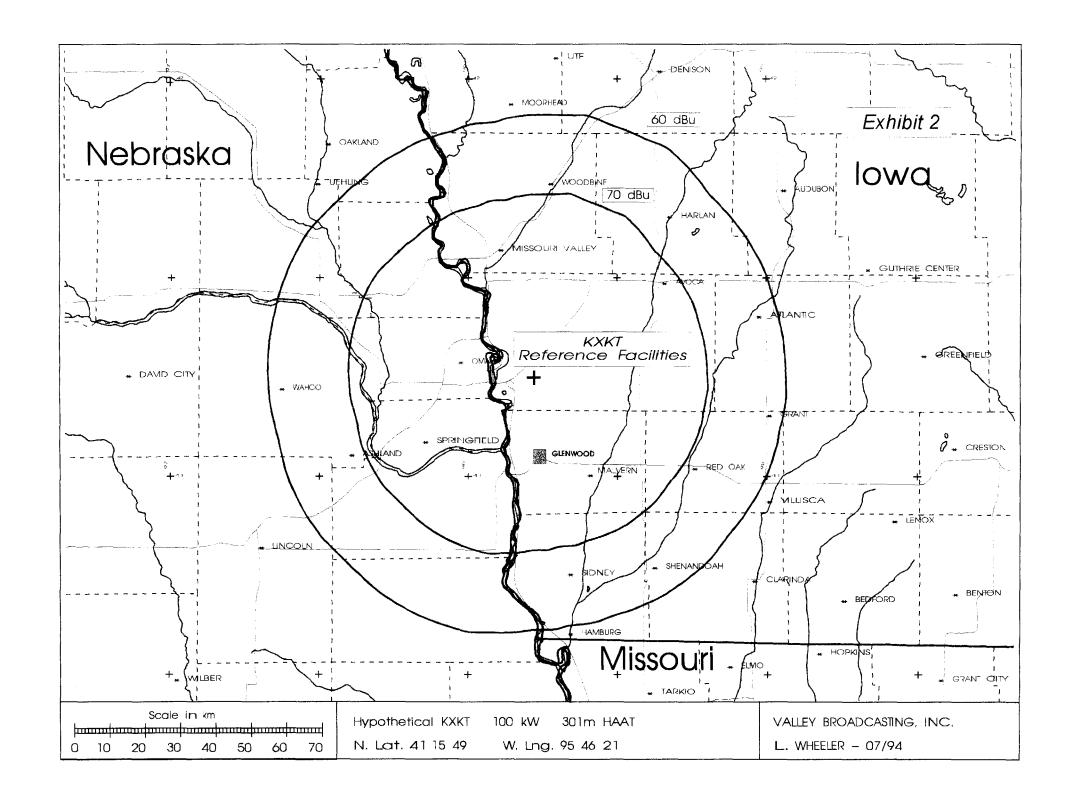
All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

Date

ee Wheeler

Valley Broadcasting, Inc. Glenwood Reference Site

REFERENCE 41 15 49 N 95 46 21 W		CL Current ru CHANNEL 27	ASS C les spac 9 -103.7	cings 7 MHz -		DISPI DATA SEARCH	AY DATES 06-27-9 07-18-9	; }4 }4
$ exttt{CALL}$ $ exttt{TYPE}$	CH# CITY LAT LNC	Ğ	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)	
KXKT	279C Atlantic 41 23 53 95 Valley Broadca	c 28 17 100	IA .000 kW	59.4 380M	29.30 18.2	290.0	-260.70	*
	280C2 Hiawatha 39 34 41 95 KNZA, Inc.	a 33 46 50	KS .000 kW	174.6 150M	188.01 116.8 BMPH90112	188.0 116.8 21IA	0.01	<
	280A Hiawatha 39 46 23 95 KNZA, Inc. hannel 280C2 Pe		KS .000 kW	172.8 91M	166.83 103.7 BLH7500	165.0 102.6	1.83	<
LI CN	279C2 Sioux Fa 43 29 20 96 XMT Group, Inc CHANNEL 228A pe	45 40 50	.000 kW	57M	260.25 161.8 BLH90101	154.8	11.25	
KKNB LI CN	281C2 Crete 40 31 06 96 Agnew Broadcas	46 07 31	.000 kW	187M	73.3	65.3	12.89	
KTFC LI HN	277C1 Sioux C: 42 29 05 96 Donald A. Swan		IA .000 kW	342.0 85M	142.59 88.6 BLH3069	105.0 65.3	37.59	



Predicted Signal Contours:

41 15 49 - KXKT 95 46 21 - From Hypothetical Site

ERP = 100 kW, 20 dBk FM - 2-6 Tables

Radial	наат	kW	dBk	Field	70 dBu.5	60 dBu.5
0 Degs.	292.7M	100.000	20.000	1.000	49.6	71.8
45 Degs.	271.3M	100.000	20.000	1.000	48.1	70.0
90 Degs.	282.9M	100.000	20.000	1.000	48.9	71.0
135 Degs.	296.7M	100.000	20.000	1.000	49.9	72.1
180 Degs.	297.8M	100.000	20.000	1.000	49.9	72.2
225 Degs.	333.7M	100.000	20.000	1.000	52.3	74.9
270 Degs.	328.8M	100.000	20.000	1.000	52.0	74.5
315 Degs.	304.0M	100.000	20.000	1.000	50.4	72.7

Ave. HAAT= 301.0M, Ant. COR= 640.3M AMSL

REFERENCE 41 24 22 N 95 00 42 W	CI Current ru CHANNEL 23	ASS C3 lles spac	ings MHz -		DATA SEARCH	AY DATES 06-27-94 07-18-94
CALL CH# CITY TYPE LAT	LNG			D-KM D-Mi		
KOAKFM 237C3 Red O CPM CN 41 01 35 Montgomery >From channel 237A	95 12 05 20 County B/Cast	IA).500 kW	200.7 111M	45.07 28.0	43.0 26.7	2.07 <
KQWCFM 239C3 Websto LI CN 42 28 04 Gorich Radio	er City 93 47 48 25 o Corporatior	IA 5.000 kW	40.5 100M	155.11 96.4 BLH91052	153.0 95.1 22KA	2.11 <
KOAKFM 237A Red O LI CN 41 01 00 Montgomery 6 >*To channel 237C3	95 12 46 3 County B/Cast	IA 3.000 kW Ling C	201.3 38M	46.42 28.9 BLH79090	42.0 26.1 04AF	4.42
KEFM 241C Omaha LI CN 41 04 15 Webster Com		0.000 kW	439M	67.3	59.7	12.32
KGLI 238C1 Sioux LI CN 42 30 53 Cardinal Co	City 96 18 13 100 mmunications,	IA 0.000 kW Inc.	319.0 274M	163.20 101.4 BLH6140	144.0 89.5	19.20
KAANFM 238C2 Bethan LI CN 40 15 23 Jerrell A.	94 09 23 50	MO 0.000 kW	108M	146.65 91.1 BLH89031	72.7	29.65

REFERENCE 41 24 22 N 95 00 42 W		CLAS Current rule CHANNEL 251	SS A es spac - 98.1	ings MHz -		DISPLA DATA SEARCH	AY DATES 06-27-94 07-18-19
	CH# CITY LAT LNC						
KQKQF M LI CN	253C Council 41 18 25 96 KRCB, Inc.	Dluffa	Tλ	262.6 358 M	05 67	95.0 59.0	_0 22 4
KUHG.C CPM CN	251C1 Milford 40 51 52 97 Bott Communica	16 14 100.0 ations, Inc.	NE 000 kW	252.4 299 M BI	198.98 123.7 MPH92033	200.0 124.3 30IC	-1.02 *
	252C2 Boone 41 49 51 93 Radio Ingstad Channel 252C3 p	of Iowa, Inc	IA 000 kW	66.2 150 M	116.71 72.5 BPH92121	106.0 65.9 18IE	10.71
KSEZ LI CN	250C1 Sioux Ci 42 28 56 96 Sage B/Cting C	ity 15 30 100.0 Corp of Sioux	IA 000 kW Ci	319.1 196 M	158.03 98.2 BLH89031	133.0 82.7 3KB	25.03
	252C3 Boone 41 58 49 93 Radio Ingstad nannel 252C2 pe	of Iowa, Inc	IA 600 kW	58.9 143M	123.61 76.8 BLH92041	89.0 55.3 L3KB	34.61
KNCYFM CPM CN	249C1 Nebraska 40 53 31 96 Sunrise Broado	a City 09 10 100.0 casting Corp.	NE 000 kW	239.2 299 M Bl	111.52 69.3 MPH93121	75.0 46.6 3IF	36.52
	250C3 Lamoni 40 37 00 93 92-177 tive 3-22-93-Re					89.0 55.3	36.82
KUDL	251C Kansas (39 04 24 94 Shamrock Broad	City	KS	170.2	262.87	226.0 140.5 23KA	36.87

RI 41 95	EFERENCE 24 22 N 00 42 W	CLASS A Current rules spacings CHANNEL 275 -102.9 MHz	DATA SEARCH	AY DATES 06-27-94 07-18-94
		CH# CITY STATE BEAR' D-KM LAT LNG PWR HT D-Mi	R-Mi	(KM)
	KTFG LI CN	275C2 Sioux Rapids IA 355.8 167.43 42 54 34 95 09 35 50.000 kW 146M 104.1 Donald A. Swanson BLH91030	166.0 103.2	
		274C1 Lincoln NE 244.8 152.84 40 49 12 96 39 29 100.000 kW 131M 95.0 DKM-Lincoln Broadcasting Corp BLH6363	82.7	
		273C Des Moines IA 69.5 124.98 41 48 01 93 36 27 100.000 kW 384M 77.7 Saga Communications of Iowa, BLHRB110	59.0	29.98
		272Cl Onawa IA 305.2 119.70 42 01 41 96 11 11 0.000 kW OM 74.4 88-195		44.70
	>Effec	tive 3-6-89-Reserved for KOOO per D88-195		

RE 41 95	FERENCE 24 22 N 00 42 W			Current CHANNEL	CLASS A rules sp 293 -106	acings		DISPI DATA SEARCH	DAY DATES 06-27-94 07-18-94
	CALL TYPE	CH# LAT	CITY LNC	3	STAT PWR	E BEAR	D-KM D-Mi	R-KM R-Mi	MARGIN (KM) -7.96 *
_	AP294 AP CN	294C3 42 0 Ames	Lake Cit 7 14 94 Broadcast	y 48 49 ing Com	IA 25.000 k pany	11.7 W 100M	81.04 50.4 BPH9309	89.0 55.3 D1MI	-7.96 * 940208
	ALOPEN AL N	294C3 42 1	Lake Cit 9 08 94	zy 49 08	IA 0.000 k = 930803	9.0 W OM	102.64 63.8	89.0 55.3	13.64
	KISP LI CN	292A 41 3 Sunris	Blair 7 03 96 se Broado	04 23 casting	NE 1.250 k of Nebra	284.8 W 140M	91.67 57.0 BLH8501	72.0 44.8 10KT	19.67
	KKCD.A AP ZCN	290C2 41 1: Vanta	Omaha 2 04 95 ge Commur	57 12 nication	NE 50.000 k s, Inc.	253.9 W 146M	82.09 51.0 BMPH9311	55.0 34.2 01IE	27.09
	KKCD.C CP CN	290C2 41 0 Vanta	Omaha 7 21 95 ge Commur	58 45	NE 42.000 k s, Inc.	248.8 W 160M	86.98 54.1 BPH9208	55.0 34.2 26IB	31.98
	>From (Channe.	1 290A pe	er D89-5	95-This C	P is in	dependen	t of BF	PH-930929I
	KKBZ LI CN	291C2 40 3 KMA B	Clarinda 3 12 95 roadcasti	a 07 18 ing, L.P	IA 50.000 k	185.6 W 150M	95.15 59.1 BLH8910	55.0 34.2 02KD	40.15
		Vanta	ge Commun	nication	NE 20.000 k s, Inc.		BPH9309:	29IG	43.80 PH-920826I
	KDSNFM	296A 42 0	Denison 2 11 95	19 50	IA 3.000 k Company	339.2 W 91M	74.86 46.5 BLH4079	31.0	
		41 0		48 15	NE 6.000 k ompany,	W 100M	75.08 46.7 BLH9306	19.3	44.08
	KMXD	292A	Ankeny		IA	75.6	121.95	72.0	49.95

CLASS A

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
TYPE	LAT	LNG	PWR	HT	D-Mi	R-Mi	(KM)
		45 93 35 46 Incorporated	6.000 kW		75.8 ILH92043	• -	

REFERENCE 41 24 22 N 95 00 42 W	~~~~~~	Current CHANNEL	CLASS A rules space 299 -107.7	cings 7 MHz -		DISPL DATA SEARCH	AY DATES 06-27-94 07-18-19
CALL TYPE	CH# CITY LAT LNG	;	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KKRF LI CN	300A Stuart 41 30 25 94 Coon Valley Co	18 06	IA 3.000 kW	79.3 144M	60.37 37.5	72.0 44.8	-11.63 *
LI CN	299C1 Spencer 43 10 00 95 Iowa Great Lak	08 45 1	.00.000 kW	94 M	121.7	124.3	-4.13 *
KKDM.C CP CN	298C2 Des Moir 41 34 00 93 Midwest Radio,	nes 25 18 Inc.	IA 50.000 kW	82.4 150M	133.98 83.3 BPH87043	106.0 65.9 80 M Q	27.98
•	300C2 West Poi 41 47 06 96 Kelly Communic hannel 300A pe	ations,	Inc.	286.9 97M	145.12 90.2 BPH90071	106.0 65.9 L3IH	39.12
LI CN	296A Denison 42 02 11 95 Ridgeway Broad	19 50	3.000 kW	91 M	46.5	19.3	43.86
LI CN	299C Topeka 39 01 34 95 Midland Broadd	54 58 1	.00.000 kW	370M	171.1	140.5	49.26